

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

CASE NO. 8:20-mc-103-TPB-TGW

CHARLES U. KLEIN,

Defendant.

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REPORT AND RECOMMENDATION

This cause came on for consideration upon the plaintiff's Motion for Entry of Final Judgment Against Charles U. Klein (Doc. 12).

The plaintiff applied to this Court for a judgment pursuant to Section 20(c) of the Securities Act of 1933, 15 U.S.C. 77t(c), and Section 21(e) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(e)(1), seeking to enforce compliance by the defendant with a final Commission order entered against him on December 10, 2015 (id.; see Doc. 1-3). That order, in part, ordered the defendant to disgorge \$33,000 plus \$2,043.87 in prejudgment interest, and pay a civil penalty of \$25,000 and applicable interest (id., p. 14). The Commission represents that the defendant only made one payment of \$15,010.97 to the Commission (Doc. 12, p. 1).

After the matter was referred to me (see Doc. 5), on January 7, 2021, I issued an order for the defendant to show cause why the final Commission order should not be enforced against him (see Doc. 9). The order stated that if Klein “fails to file opposing papers and/or appear at the scheduled hearing, the Court may find [Klein] in default and enter an appropriate order against such party at such time without further notice being given” (id., p. 2). The order directed Klein to respond within 30 days after being served with the order and complaint (id.).

Klein was served with the order on January 9, 2021 (Doc. 11). Klein’s response would have been due February 9, 2021. However, the defendant has not filed any response to the order to show cause. On February 18, 2021, attorney Joseph N. Perlman entered a notice of appearance on Klein’s behalf (Doc. 13). However, the defendant has yet to file anything. Thus, entry of final judgment against the defendant is warranted.

Accordingly, I recommend that the Motion for Entry of Final Judgment Against Charles U. Klein (Doc. 12) be granted, and final judgment be entered as proposed by the Commission (see Doc. 12-1).

Respectfully submitted,



THOMAS G. WILSON
UNITED STATES MAGISTRATE JUDGE

DATED: MARCH 24, 2021.

NOTICE TO PARTIES

The parties have fourteen days from the date they are served a copy of this report to file written objections to this report's proposed findings and recommendations or to seek an extension of the fourteen-day deadline to file written objections. 28 U.S.C. 636(b)(1)(C). Under 28 U.S.C. 636(b)(1), a party's failure to object to this report's proposed findings and recommendations waives that party's right to challenge on appeal the district court's order adopting this report's unobjected-to factual findings and legal conclusions.